

# Notice of Allowability

Application No.

09/867,741

Examiner

Brian J. Sines

Applicant(s)

KEEPING ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the response filed 2/27/2004.
2. ☒ The allowed claim(s) is/are 1-26,30-32 and 40-44.
3. ☒ The drawings filed on 31 May 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All   b) ☐ Some\*   c) ☐ None   of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

- |   |  |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                    |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|   | 9. <input type="checkbox"/> Other _____.   |

**DETAILED ACTION**

**EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Ross F. Hunt, Jr. on 5/6/2004.

The application has been amended as follows:

Claim 25 has been amended to read as follows:

An analysis apparatus comprising a main body part and a cartridge part, which, in use, are mated to form an integrated unit and which, when mated, are separable from each other, wherein the cartridge part includes means for extracting a sample from the fluid, a means for storing at least one reagent, a means for analyzing the fluid sample, a means for mixing the fluid sample with a respective portion of the stored reagent, a means for analyzing the fluid sample after reacting with the reagent, and pumps for transporting the sample and reagents; and the main body part comprising motors for driving the pumps in the cartridge, and the main body part further being adapted for positioning in a fluid to be analyzed.

Claims 33 – 36 have been cancelled.

***Allowable Subject Matter***

Claims 1 – 26, 30 – 32 and 40 – 44 are allowed.

The following is an examiner's statement of reasons for allowance:

Grana *et al.*, Scholin *et al.*, Siepmann teach various analysis apparatus for analyzing fluids. The cited prior art neither teach or fairly suggest the further incorporation of a means for transferring the sample and reagents to the analysis means comprises an associated needle portion and wherein the main body part comprises a corresponding needle receiving portion and an associated communication pathway to the analysis means. The cited prior art neither teach or fairly suggest the further incorporation of a chamber for the storage of water and wherein said flexible reagent bags are positioned within the chamber. The cited prior art neither teach or fairly suggest the further incorporation of a means to cool the reagents. The cited prior art neither teach or fairly suggest the further incorporation of a means for reducing the content of dissolved air in the sample, which comprises an upwardly vertically extending input pipe in which the upper end of the pipe is vented to the atmosphere and a downwardly angled output pipe in fluid communication with the input pipe. The cited prior art neither teach or fairly suggest the further incorporation of a rotational motor and associated coupling means and wherein the cartridge part comprises a pump adapted to be driven by the rotational motor via the coupling means, and wherein the pump is adapted to extract a sample from the fluid. The cited prior art neither teach or fairly suggest an analysis apparatus comprising a main body part and a cartridge part, which, in use, are mated to form an integrated unit and which, when mated, are separable from each other, wherein the cartridge part includes means for extracting a sample from the fluid, a means for storing at least one reagent, a means for analyzing the fluid sample, a means for mixing the fluid sample with a respective portion of the stored reagent, a means for analyzing the fluid sample after reacting with the reagent, and pumps for transporting the sample and reagents; and the main

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body part comprising motors for driving the pumps in the cartridge, and the main body part further being adapted for positioning in a fluid to be analyzed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian J. Sines whose telephone number is (571) 272-1263. The examiner can normally be reached on Monday - Friday (11:30 AM - 8 PM EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jill A. Warden can be reached on (571) 272-1267. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Jill Warden  
Supervisory Patent Examiner  
Technology Center 1700